

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MIDWEST PILOTS MERGER COMMITTEE,

CARL SCHWERMAN, in his Capacity as  
Chairperson of the MIDWEST PILOTS  
MERGER COMMITTEE,

DONALD TILL, in his Individual Capacity and in  
his Capacity as Vice Chairperson of the  
MIDWEST PILOTS MERGER COMMITTEE,

Case No. 14-cv-01441-RT

and

MARK E. WARD,

Plaintiffs,

-against-

FRONTIER AIRLINES, INC.,

and

FRONTIER AIRLINE PILOTS ASSOCIATION,

Defendants.

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**DECLARATION OF MARK W. ROBERTSON IN SUPPORT OF FRONTIER  
AIRLINES, INC.'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

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I, MARK W. ROBERTSON, declare and state as follows:

1. I am a partner in the law firm of O'Melveny & Myers LLP, Times Square Tower, 7 Times Square, New York, New York 10036. I am a member in good standing of the Bar of the State of New York and am admitted to practice in the United States District Court of the Eastern District of Wisconsin. O'Melveny & Myers LLP is counsel to Defendant Frontier Airlines, Inc.

(“Frontier”) in this matter. I am familiar with the facts herein and submit this declaration in support of Frontier’s Motion to Dismiss Plaintiffs’ Complaint.

2. I have attached as Exhibit A a true and correct copy of the February 19, 2011 award issued by Arbitrator Dana E. Eischen.

3. I have attached as Exhibit B a true and correct copy of Letter of Agreement 71, dated October 9, 2014, between Frontier and the Frontier Airline Pilots Association.

4. I have attached as Exhibit C a true and correct copy of *In re Int'l Bhd. of Teamsters*, 38 NMB 138 (Apr. 7, 2011).

5. I have attached as Exhibit D a true and correct copy of *In re Int'l Bhd. of Teamsters*, 38 NMB 199 (May 2, 2011).

6. I have attached as Exhibit E a true and correct copy of *In re Representation of Employees of Republic Airlines et al.*, 38 NMB 245 (June 28, 2011).

7. I have attached as Exhibit F a true and correct copy of *In re Frontier Airline Pilots Ass'n*, 41 NMB 31 (Mar. 31, 2014).

8. I have attached as Exhibit G a true and correct copy of *In re Representation of Employees of Frontier Airlines, Inc. Pilots*, 41 NMB 88 (June 13, 2014).

9. I have attached as Exhibit H a true and correct copy of *Smith v. Nw. Mutual Life Ins. Co.*, No. 11-71, 2011 U.S. Dist. LEXIS 104394 (E.D. Wis. Sept. 13, 2011).

10. I have attached as Exhibit I a true and correct copy of *Cunningham v. United Airlines, Inc.*, No. 13-5522, 2014 U.S. Dist. LEXIS 13414 (N.D. Ill. Feb. 4, 2014).

11. I have attached as Exhibit J a true and correct copy of *Gullaksen v. United Air Lines, Inc.*, No. 1:13-1235, 2014 U.S. Dist. LEXIS 131213 (D.D.C. Sept. 17, 2014).

12. I have attached as Exhibit K a true and correct copy of *Henry Techs. Holdings, LLC v. Giordano*, No 14-63, 2014 WL 3845870 (W.D. Wis. Aug. 5, 2014).

13. I have attached as Exhibit L a true and correct copy of *United States v. ARG Corp.*, No. 3:10-311, 2011 U.S. Dist. LEXIS 86423 (N.D. Ind. Aug. 4, 2011).

14. I have attached as Exhibit M a true and correct copy of *Belsky v. Field Imports, Inc.*, No. 13-1758, 2013 U.S. Dist. LEXIS 154775 (N.D. Ill. Oct. 29, 2013).

15. I have attached as Exhibit N a true and correct copy of *Safety Solutions, Inc. v. Chicago*, No. 11-1305, 2011 U.S. Dist. LEXIS 92347 (N.D. Ill. Aug. 18, 2011).

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 16th day of January, 2015, at New York, New York.



Mark W. Robertson